

SDWORKS JOB ORDER DISCRIMINATION

Job orders not in compliance with all applicable state and federal employment laws will not be accepted. This includes all federal and state wage and hour laws, youth labor laws, discrimination laws, and disability laws.

EMPLOYER PREFERENCES

Affirmative Action Job Order

A job order which applies policies that take factors including “race, color, religion, sex, or national origin” into consideration in order to benefit an underrepresented group in the area of employment opportunities.

Americans with Disabilities Act

A wide-ranging civil rights law that prohibits discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin, and other characteristics illegal. In addition, unlike the Civil Rights Act, the Americans with Disabilities Act (ADA) also requires covered employers to provide reasonable accommodations to employees with disabilities, and imposes accessibility requirements on public accommodations.

Felon Friendly

An employer who expresses an interest in hiring persons with a criminal record. Employers self-disclose this information and it does not need to be verified. Do not solicit this information.

Older Worker Friendly

An employer who expresses an interest in hiring persons age 55 or over, i.e. Senior Community Service Employment Program (SCSEP). Employers self-disclose this information and it does not need to be verified.

Veteran Friendly

An employer who expresses an interest in hiring Veterans. Employers self-disclose this information and it does not need to be verified. AJC staff must not solicit this information.

BONA FIDE OCCUPATIONAL QUALIFICATION

Requests certain qualifications or application questions from an employer should be related to the function of the job. If those qualifications could be discriminatory, they must be a Bona Fide Occupational Qualification (BFOQ) for the position in order for them to be included in the job order posted. If the relationship between the questions or requested qualifications and functions of the job are not clear, it is appropriate to obtain further information from the employer.

BFOQ's are employment qualifications employers are allowed by law to consider when making hiring and retention decisions. The occupational qualification must relate to an essential job duty necessary for operation of the business. According to Title VII of the Civil Rights Act of 1964, discrimination is acceptable, “in those certain instances where race, color, religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.”

Examples of BFOQs:

- Mandatory age limits for bus drivers because of safety concerns with older drivers.
- Male clothing designers may legally advertise only for male models because female models would not be able to model men's clothing in the appropriate manner.
- Churches may legally hire only members of their specific denomination or religion for certain positions if being the same religion is reasonably necessary for the normal operation of that church.

Contact the Human Rights Division to ensure BFOQ exists and the wording placed in the job order is appropriate to convey the true meaning of BFOQ.

AFFIRMATIVE ACTION EMPLOYER

Affirmative Action is the policy of providing special opportunities for, and favoring members of, a disadvantaged group who suffer discrimination. Most employers will know if they are an Affirmative Action employer. Merely listing a job with SDWORKS does not satisfy an Affirmative Action directive from the U.S. Equal Employment Opportunity Commission (EEOC). For more information on EEOC visit <http://www.eeoc.gov/>.